

Meeting of 2000-7-11 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 11, 2000 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 LTC Anthony Puckett, Fort Sill Liaison

The meeting was called to order at 6:40 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 James H. Hanna, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 27, 2000.

MOVED by Baxter, SECOND by Hanna, for approval of the minutes. AYE: Smith, Hanna, Devine, Shanklin, Moeller, Haywood, Baxter. NAY: None. ABSTAIN: Purcell. MOTION CARRIED.

AUDIENCE PARTICIPATION:

The following comments are inserted verbatim:

Mayor: At this time we come to the audience participation and this is anyone having an item of business to present to the City Council that does not appear on the agenda. I repeat does not appear on the agenda. Please come forward at this time.

Boyd: Greetings Mayor, City Council members. I, Vera Boyd, as a resident of the City of Lawton, along with Churches and Citizens for an Incorruptible Lawton and Fort Sill, on this date of Tuesday, July 11, 2000, request that the City of Lawton consider appointing a Cable Commission. This Cable Commission will insure that City ordinance 10-11 are upheld between the City and Lawton Cablevision. In our opinion we feel that the City does not adhere to the City ordinance pertaining to Section 10-11-1107, Open Books and Reporting Provisions, Section 10-11-1109, Rights of Individuals, Section 10-11-1110 Franchise Fee and Section 10-11-1112, Violations and Remedies. The Cable Commission shall also ensure that the franchise agreement between the City and Lawton Cablevision is enforced and review complaints against the Lawton Cablevision and then forward the findings and recommendations to the City Council. The Cable Commission should also be free from influence by the City Attorney due to his own admission that he does not work for the people of Lawton and Fort Sill.

The second request is for the City to verify exactly what part of the franchise agreement between Lawton Cablevision and the City of Lawton the City actually handles. According to the franchise agreement and the City ordinance, the City is responsible for all aspects of the franchise agreement. The FCC only handles revocation of Lawton Cablevision franchise license. Sincerely, Vera Boyd, speaking for Churches and Citizens for an Incorruptible Lawton and Fort Sill. Also attached I'll bring this letter up with a copy of my previous letter that I wrote June 27.

Mayor: Is this a copy of your previous letter did you say?

Boyd: Mr. Mayor, the issue I'm going to speak on is not on the agenda. I know that we're on the agenda later on but this issue is not on the agenda.

Mayor: Steven if I could please, you're welcome, but if it's repetitious...

Boyd: It's not repetitious.

Mayor: Things have already been said...

Boyd: I've been here before.

Mayor: There is an agenda item.

Boyd: It's not, sir.

Mayor: All right, carry on.

Boyd: OK, I'm representing the same organization, it's for in fact, Citizens for an Incorruptible Lawton and Fort Sill, Churches United, and once again sir, this is not on the agenda. I'm here to speak on a mounting crisis in our community involving the churches and the citizens who subscribe to Lawton Cablevision. This cable company has a non-exclusive franchise agreement with the City, and as a result the City is in a position to revoke the cable operator's license or agreement. With the time allotted I'm going to speak for a multitude of citizens from the various wards of the Council people that are represented here. These Council peoples represent quite a few, at least 10,000 in each ward or so, and this is a city-wide issue that we're bringing to the City. The issue to be discussed deals with misinformation and violations of the non-exclusive franchise agreement with Lawton Cablevision. To make this presentation easier for our City officials and the audience here at home we put this presentation together in a series of video and overhead projection displays. With your authorization, I'll proceed on with this overview, sir.

Shanklin: As long as there's a time limit, Mayor, I can handle it...

Boyd: I have enough people here that told me that I could represent their three minutes, and rather than having a whole lot of people keep coming up...

Mayor: Mr. Boyd.

Boyd: That's my name, yes sir.

Mayor: Let us have an understanding please. You're welcome to our City Council meeting. This has got to where you're coming to every one and you're being repetitious.

Boyd: We're not getting any results, sir.

Mayor: Sir.

Boyd: Go ahead.

Mayor: OK, thank you. Every one of us sitting at this table right here has seen this right here. You delivered this to each and every one of us.

Boyd: No, I don't think so, sir. I have some additional information that has just surfaced and because the City of Lawton is potentially can be a defendant on a District Court hearing, U.S. District Court case, I think that the people need to know about these things, and again, I have additional information.

Mayor: How much time do you need, Mr. Boyd?

Boyd: I have not timed this thing but anybody out here that's here for this, if you can raise your hand, we got at least three or so...

Mayor: I will let them speak but you not speak for them. If they come down to speak theirself, I'll be happy to entertain that.

Boyd: Well sir, we work together, collaborate and consolidate this into one speech and we already have it. They've dedicated, if you were part of the committee, that would be great.

Mayor: Did you understand what I said?

Boyd: You said you'll let them speak but they don't have any information, they've given it all to me so that's only going to delay this whole thing.

Shanklin: I listened to a 43 minute diatribe from this gentleman some time back on account of not allowing them to have

access and totally use the Library over here. He promised anarchy on the street. It's in the minutes. Now I'm not going to sit here for 30 minutes for this for someone....

Boyd: Well don't do it sir.

Shanklin: Who has a personal vendetta against Cablevision. All you have to do is go hire you an attorney and do it. We are not ...

Boyd: Well you're married into the family so I didn't expect you, I didn't ask you to do that. You're married into the family, it's a conflict of interest. I expected you to say that.

Mayor: Mr. Boyd.

Boyd: Yes. I'd like to continue. I don't understand why you, this audience participation and I can't speak. I can speak as many times as I want to. I don't understand that why certain people can speak and I'm not allowed. (inaudible comment; cannot determine who was speaking) For three minutes each.

Mayor: No ma'am. I will not allow that much time. Council, how much time do you want to give him? (inaudible comments) You've got five minutes and then if they want to speak, they can.

Boyd: That's really interesting that you put that restriction on. Sir, I'm going to continue and do the best I can in five minutes.

Mayor: Your time has started.

Boyd: First of all, Ms. Boyd pointed out the fact, I will continue so my time is not wasted. Ms. Boyd pointed out the fact that there is misinformation going on here from the Office of the City Attorney saying that the laws and the agreement are governed by the FCC. I don't know why that misinformation has been generated but it's not the case. In fact we have city ordinances that govern the city agreement and they are Section 10-11. I'm of the mind set that there's a lot of people that are maybe under the influence of Lawton Cablevision that they don't want to hear the facts as they are presented and I understand that and I'm not here to point fingers at people, I'm just a messenger and I understand how some people are.

The exhibit that we have up here is exhibit number two, it's the rights of individuals from the franchise not to deny service, not to deny access, otherwise discriminate against subscribers, programmers and residents of Lawton on race, creed, color or religion. Franchise may adopt reasonable classification of subscribers but that's it and I'm saying to you that he, I, we have submitted numerous church programs to Lawton, Lawton Cablevision to put on the public access channel. They've all been denied, so if he's denying them without giving us a reason, then we have a problem with that.

The next exhibit comes to identify the Lawton Cablevision letterhead said programming that qualifies for public access is broadcast without charge on Channel 2 and should be broadcast on Lawton channel or 41. Lawton Cablevision will be happy to place the qualified public access programming on the cable but they're not doing so. Let's move to the next exhibit because of the time restraints.

Here I have a piece of evidence on Lawton Cablevision's letterhead that says public access now is charged \$100 per hour. I say sir that is either larceny, grand larceny or some kind of inconsistency in the policies that you just saw in the previous slide where we're supposed to get free public access TV. Moving along to the next exhibit, once again the City of Lawton has the capability to revoke the agreement between Lawton Cablevision. It says here that the City shall provide franchise with detailed written notice of a default of any violation of this article, of the franchise agreement, upon with, the proposes to take action, but the bottom line is the City, and unlike what the City Attorney has identified and the cable operator has identified that that is in fact a FCC regulation, I repudiate that statement and as well our ordinances, if we don't have, if certain people have the capability to totally put aside our ordinances then we are going to have anarchy as Mr. Shanklin stated.

Moving along with that in mind, as you can see here's another exhibit. This exhibit in fact shows a request sheet that has been submitted by various organizations. This is a generic letter that people have requested 24 hours of free public access, that free public access information be aired on Lawton Channel 2, the public access channel.

Now, let's move to the next one. I'm giving you a complete docket of this, a complete overview of this, it's new and improved without the speed that I have to take. Here is another letter from Lawton Cablevision. We have notified the 61 listed individuals that are formally requesting 24 hours of free public access on the public access channel. The listed individuals have requested that this information be forwarded to the public access program producer, Top Catt. Please deliver the program from each individual and Lawton Cablevision will schedule time for it. We've done that and we have seen no programming on that part. These individuals, some of them are in the audience.

Next exhibit. OK. I have a couple of minutes left and what I want to show you is that...

Mayor: You have one minute sir.

Boyd: Yes.

Mayor: One minute.

Boyd: Well, the one exhibit I will show you is that I don't understand, and this is a question, I don't understand why we have rules and regulations, laws and ordinances that some people can trample on then others are held by it. If somebody gets a DUI and there is an ordinance that governs that, that person shall suffer the results of the legal letter of the law. And I present to you today, why is there a double standard for KSWO, Bill Drewry, the Howard Johnson Hotel, Lawton Cablevision, Magic 95 and a whole host of other individuals that are having a double standard. So with that in mind I submit to you this final statement of over 61 citizens have requested free public access and I have the additional 50 that have turned in requests today. I'm submitting to the City Council the under listed citizens of Lawton, Oklahoma, hereby request an investigation into this matter immediately and if not rectified by the City Council meeting the revocation of the current agreement with Lawton Cablevision...

Mayor: Your time is up. Is there anyone else in the audience that would like to speak to this particular subject?

Moore: Mayor, City Council, I'm Pastor Moore, I'm one of the subscribers, one of the churches that does this. The only thing I ask the City Council to do is compare to other cities and other states and see if they're in line and that's the only thing I ask.

Mayor: Thank you very much sir. Is there anyone else that would like to address this issue? If not, I'll close the public hearing at this time. The audience participation has closed. (end verbatim portion)

BUSINESS ITEMS:

Mayor Powell asked that Items 1, 4 and 5 be stricken from the agenda. Those item titles are listed as follows:

1. Hold a public hearing and consider an ordinance amending various sections of Chapter 18, Zoning Regulations, Lawton City Code, 1995, as recommended by the Mayor's Task Force. Exhibits: Ordinance 00-____; Matrix of Recommendations; CPC Minutes of May 24 and June 8, 2000; Task Force List of Recommended Amendments.
4. Hold a public hearing and adopt a resolution declaring the structure at 1402 SW "D" Avenue to be dilapidated and detrimental to the health and safety of the community; authorize the expenditure of CDBG funds, if necessary, to demolish this structure. Exhibits: Resolution 00-____.
5. Consider an ordinance amending Sections 7-2701B and 7-2704A, Chapter 7, Lawton City Code, 1995, amending the definition and criteria for bed and breakfast establishments. Exhibits: Ordinance 00-____.
2. Hold a public hearing and consider a resolution amending the 2020 Land Use Plan from Residential-Multi Family to Commercial and Office and an ordinance changing the zoning from R-4 (High Density Apartment District) to C-5 (General Commercial District) zoning classification located at 1112 SW E Avenue. Exhibits: Resolution 00-71; Ordinance 00-____ (per application); Ordinance 00-21 (as recommended by CPC); Location Map; Applications; Site Plan; CPC Minutes; Analysis by Staff.

Bob Bigham, City Planner, pointed out the proposed location on the view graph. The owners are Larry and Omega Ballou, Keystone Properties is the applicant; purpose of the request is for a Dollar General Store. Zoning of the surrounding area is R-4 to the north, west and south, and C-5 along 11th Street. The Planning Commission on June 8 held a public hearing; one person appeared to speak in favor. Prior to the hearing one telephone call was received in protest. The Planning Commission by a six to zero vote recommended approval of the amendment to the Land Use Plan on all of the lots and recommended R-4 to C-5 on only Lots 7, 8 and 9, and on the other two lots, Lots 10 and 11, recommended C-1 zoning instead of the C-5 zoning requested by the applicant. Notice of hearing was published, as well as mailed to 30 owners. The applicant concurs with the Planning Commission's recommendation. Two ordinances were provided, one as requested by the applicant and one as recommended by the Planning Commission.

Shanklin asked the difference in the two ordinances and said there was dialogue about Mr. Evans being concerned over two driveways and two or three months later we finally told him that. Bigham said the ordinance submitted by the applicant is for all of the lots to be zoned C-5; the other ordinance as recommended by the Planning Commission has C-5 on Lots 7, 8 and 9 but on Lots 10 and 11 it is a C-1 zone. Bigham said the applicant concurs with the Planning Commission recommendation. Bigham said staff agrees with the Commission recommendation and all of the development of the Dollar General Store would occur on the C-5 lots, and the lots recommended for C-1 are not being developed at this time. Bigham said those lots are adjacent to Olsen Park so we wanted to have a more restrictive commercial buffer zone between the C-5 and the public park.

Moeller said the street between E and F on 12th is closed. Bigham said it is closed as a public street and it is actually a parking area for Olsen Park but it is a street right of way. Moeller said it is not traveled and Bigham agreed. Moeller asked if the parking lot would be on the park side or will the building be close to the park. Bigham said the development plan shows the west two lots, Lots 10 and 11, being vacant; all of the development would occur on the C-5 lots as recommended by the Planning Commission. Purcell asked that Bigham point to the lots proposed for C-1 on the view graph and this was done.

PUBLIC HEARING OPENED.

Bill Evans, Keystone Properties, said we are excited about the fourth project in Lawton to build a store for Dollar General. He said a compromise was reached and the concern for the City was that the last two lots maintain a bit of decor not to interfere with the park. Evans said they will leave the last row of trees at the end of the last lot before the street parking lot, and they will put up fencing across the back.

Shanklin asked about the driveways referred to in the commentaries and if Mr. Evans needed or wanted two driveways, or if that was a surprise to him or if he would just live with it. Evans said they had received back a set of plans, he picked them up today, they are redlined and there is a statement on there that they would like a second driveway for ease of egress of the truck that delivers weekly, so they will evaluate that. Shanklin said he also read where they have tighter fits than that for the tractors. Evans said they do at the other stores. Shanklin asked if Evans was held to the two driveways right now. Bigham said the driveways are not a requirement of the City Code and it was suggested that an additional driveway on the west side of the building would provide that flow through traffic around the building, but the way the building is situated, it is very close to E Avenue and the parking is on the south side of the building with the loading areas in the back so it is a long L-shaped driveway through the back. Shanklin asked if Keystone wanted one driveway, would staff argue about it. Bigham said to him it is not a requirement.

Purcell said their store on 45th Street had a problem and he asked if the design provided for enough room for the trucks to get in and turn around. Evans said yes, their engineer designed it with the template of the trailer and tractor so it can get in. Evans said they had solved the problem with that on 45th Street also.

Haywood asked how many stores they had here. Evans said it will be the fourth one they have built for Dollar General, and it will be the fifth store in Lawton. Haywood said Ward 7 would like one. Evans will tell his realtor.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Smith, to approve Resolution 00-71 and Ordinance as recommended by CPC, Ordinance 00-21. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

(Title) Resolution 00-71

A resolution approving an amendment to the 2020 Land Use Plan for the City of Lawton from Residential-Multi Family to Commercial and Office located at 1112 SW E Avenue.

(Title) Ordinance 00-21

An ordinance changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to C-5 (General Commercial District) classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof and changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to C-1 (Local Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section Two (2) hereof; authorizing changes to be made upon the Official Zoning Map in accordance with this ordinance.

3. Hold a public hearing and adopt a resolution declaring the structure at 311 NW Bell Avenue to be dilapidated and detrimental to the health and safety of the community; authorize the expenditure of CDBG funds, if necessary, to demolish this structure. Exhibits: Resolution 00-72.

Dan Tucker, Code Administration Director, said the agenda item requests expenditure of CDBG funds but needs to be changed to authorize expenditure of Council Contingency funds. He presented video of the property stating the property came to his department's attention in February 1998; in March 1998 the Housing & Community Development Department requested a status from the State Historical Society as to any historical significance this building might have and the response was received July 2000 stating the building does have historical significance.

Tucker said the building is dilapidated, has been vacant for a very long period of time. The property sustained arson fires on June 20 and 28, 2000. The floors are gone. Tucker said he had to have the property boarded up on July 1 to keep people from going in due to the problem with arson fires at this structure and at another around the corner. It was unsafe for a firefighter, police officer or any other responder to enter the structure, which is in danger of collapse. No contact has been made by the owner or any representative of the owner. There are two outside storage structures that contain junk and debris and are open and unsecured. Tucker said this is a vacant structure in close proximity to other properties, and stated the next view of the neighborhood shows older structures that are well maintained, clean, mowed and kept in good condition. Shanklin said there is a property to the west that needs attention. Tucker said it is an occupied structure but not visible from the street.

Shanklin said funds for demolition will be required from Council Contingency. He said it took the Historical Society two years to reply on this property. Shanklin said the property needs to be bulldozed down, it should be funded from Council Contingency, and another \$20,000 to \$25,000 from Contingency should be set aside for demolition because nothing is getting done due to the CDBG fund processing requirements.

Baxter asked about the owner. Tucker said we have been unable to confirm but have been told that the property owner is deceased; two or three forwarding addresses were received but none of them panned out and it is an abandoned house.

Purcell asked if the funds come out of Tucker's budget for this and said he agreed it should not come from CDBG. Tucker said he would get the bids and submit it to the City Manager for it to come from Contingency. Baker said he should have requested funds in the operating budget in Code Administration for demolition; we have historically relied on CDBG funds and that greatly increases the time on the structures to where we cannot seem to get anything done, then if they are declared to be of historical significance, we cannot use those funds anyway. Baker said he would be looking for funds to put into the Code Administration Department that can be used for demolition because he hoped to do quite a few of them this coming winter. Purcell said he agreed with Shanklin that \$25,000 should be moved from Council Contingency all at one time for this purpose, if that is the needed source.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Baxter, to adopt Resolution 00-72. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

(Title) Resolution 00-72

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that said structure be brought up to the City's building codes standard or that said building be demolished and removed. (Lot 11, Block 41, North Addition; Grace D. Hooks, owner)

6. Consider adopting an ordinance amending Section 7-1212, Article 12, Chapter 7, Lawton City Code, 1995, by adding chimes produced by a low-level amplifier to the noise-making devices that may be used by itinerant vendors who conduct their business from any type of vehicle. Exhibits: Ordinance 00-22.

Smith said he brought this item forward; the old ordinance says use by itinerant vendors of sound amplifiers or any other noise-making device except a small bell is prohibited. He said this would allow the vendors to get away from the bell and having to use their hand to ding it, which is a distraction. Smith said he got several phone calls when Channel 7 aired this thinking it would allow the vendors to play this as loud as they wanted; it does not change the noise violation at all and if an ice cream vendor is violating that law, he is subject to a fine. This simply allows them to play chimes and gets away from just having to have a bell. Mayor Powell asked if it does away with anything and Smith said no. Shanklin asked if it does away with the music that they play or if they have to play chimes instead of music. Smith said they cannot play anything but bells right now, a small bell is all they are allowed to use now according to the ordinance. Shanklin said they are doing it now and the kids come running, it is a tradition and he did not want to take that away from them. Smith said this would allow the bell or the chimes.

Purcell said this is calling it chimes but it must be some kind of music. Smith said it is two chimes, like a fancy doorbell. Mayor Powell said it would allow this in addition to what they are doing now and it is not taking anything away from them. Devine said it is just making what they are doing now legal. Purcell said he was trying to find out if this will make it legal because a man called and he is playing music, perhaps by tape that is commercially available, and if that is what we are calling chimes, that is acceptable, but if someone is playing a tape, will that be legal under this proposal. Smith said it is chimes played only to certain tunes. Purcell asked if the tape would be legal under this as well as the actual chimes. Smith said additional information was sent out and the person who called Purcell was the one who furnished the information. Moeller asked if the chimes referred to a music box type of music that most of them play. Smith said he thought so. Shanklin asked if there is currently a problem. Smith said one of the vendors was stopped for having the chimes playing and was told he had to have a bell under the ordinance.

Devine said an ordinance was passed years ago that the only way you could sell ice cream from a truck was to take your hand and ring a bell, and it would become a safety factor trying to drive with one hand and ding the bell with the other. He said they have generally been allowed to do this because the other was a safety concern, and all this is doing now is just making legal what they have been doing for years and it deletes the requirement for the bell which they have not used in years. Mayor Powell said the City Attorney verified that is still the ordinance that is on the books, so the only thing legal right now is the bell, so he would encourage an ordinance to make legal what they are doing now.

MOVED by Smith, SECOND by Moeller, to approve Ordinance 00-22, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance 00-22

An ordinance relating to itinerant vendors amending Section 7-1212, Article 12, Chapter 7, Lawton City Code, 1995, allowing vendors to use chimes produced by a low-level amplifier.

VOTE ON MOTION: AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

7. Consider approving an ordinance allowing parasailing at Lake Lawtonka. Exhibits: Ordinance 00-23.

Mayor Powell said this item was discussed earlier in the Water Authority meeting.

MOVED by Smith, SECOND by Haywood, to approve Ordinance 00-23, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance 00-23

An ordinance amending Section 19-2-222 of the Lawton City Code, 1995, permitting parasailing and creating a new section

to be codified as Section 19-2-245 requiring a permit, fees, hours of operation, insurance, prohibitions, equipment, and training; establishing an effective date and providing for severability.

VOTE ON MOTION: AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

8. Consider approving a resolution amending the Schedule of Fees and Charges and establishing fees and charges for parasailing at Lake Lawtonka. Exhibits: Resolution 00-73.

MOVED by Devine, SECOND by Baxter, to approve Resolution 00-73. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title) Resolution 00-73

A resolution amending the Schedule of Fees and Charges for recreation, for water sports and boating services and providing for an effective date.

9. Consider authorizing staff to prepare plans and specifications for the NW 64th Street and Taylor Storm Drainage Project 2000-31 and identifying a funding source. Exhibits: Location Map; Site Map.

Baxter said some of the members had looked at this neighborhood in the northwest part of Lawton that has been a little neglected in the last few years. He said a drainage project was done at 67th and Taylor, which looked real nice, but we either stopped or ran out of money or time, and did not continue on through the back side of the neighborhood. Baxter said this item will allow for the drainage area to be overlaid with concrete from where it is now down to Great Plains Boulevard; currently there are exposed gas lines, cable and telephone lines, and a lot of bad erosion.

Smith said he had walked the area and it is in deplorable shape; there are also exposed sewer lines and when the water runs rapidly, it sends boulders past that could damage the gas, phone or sewer lines.

Purcell said he thought he saw a report showing \$400,000 remaining in the 1990 CIP and urged using those funds to be able to close that portion out. Jerry Ihler, Public Works Director, said he thought those funds had been appropriated for items such as the East Side Park and Fire Station #5 to get them started.

Shanklin said he walked the area and agreed the work is needed. He asked if the project was on the priority list. Ihler said it was on the priority list in 1998 at about item nine on drainage problems, and there has been erosion since then that would warrant moving it up.

Shanklin asked if the work could be done in-house. Ihler said he had that discussion with Mr. Woodall this morning and the drainage maintenance crews do not have the personnel, but the Street Division could do it but would have to be taken off of street projects to be able to do this work. Ihler said the plans will be done in-house, bids received, and a decision could be made based on the bid prices.

Devine said he had also walked the area and due to the safety factor, it needed to be put on a higher priority at least of getting the utility companies to move the gas meters because those lines are exposed and could break at any time. He said there is also a possibility of sewer lines breaking and having contamination from raw sewage. Ihler said the plans would call for it to be concrete lined and as part of the project, it would include the utility companies relocating the gas lines and service lines.

Baker said Shanklin made a good point on the 1995 CIP; this project needs to be done, as well as the one shown in Item 10. He said there are significant funds left in the 1995 CIP and he was considering looking at the priorities on the projects and maybe bringing a package back to Council so we do not piecemeal this thing to death; that is one option and a way of getting some projects done but he would look at unfunded capital improvement needs that we might want to use the 1995 CIP to finish. Baker encouraged approval of these items tonight.

MOVED by Baxter, SECOND by Haywood, to accept Item 9 and allow Mr. Ihler to proceed. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

10. Consider authorizing staff to prepare plans and specifications for the NW Lindy Avenue Street Reconstruction Project 2000-33 and identifying a funding source. Exhibits: Location Map.

Smith said this is another drainage problem and the residents on this street have been told for 20 years that their street would be fixed, and each time it gets put on a CIP list it gets dropped so low in priority that it never gets done. He said funds are available in the 1995 CIP and this is an opportunity to fulfill a long time promise. Smith said three days after the rains stopped, water was still standing up into the residents' yards.

MOVED by Smith, SECOND by Haywood, to authorize staff to prepare plans and specifications and move forward with it.

Shanklin asked when we would take care of Lake and Arlington and Sheridan, and if that is a major project. Ihler said those projects were listed on the CIP as major projects that would take much more significant funding. Shanklin asked if it was \$3 to \$4 million and Ihler said it was several million. Shanklin said Arlington was there in 1950. Mayor Powell said Mr.

Hodges in the 2100 block had water on his front lawn and almost in his front door, and staff had looked at it so hopefully something would be done.

VOTE ON MOTION: AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Discuss request from Mrs. Vera Boyd and Mr. Steven Boyd for an audit of Lawton Cablevision and take appropriate action. Exhibits: 6/19/00 Memorandum from City Manager; 6/13/00 Request from Mrs. Vera Boyd; Excerpt (Section 8) from immediately preceding "Cablevision Operating Permit".

The following is inserted verbatim:

Mayor: We do have an addendum item, that addendum item being, addendum being to discuss request from Mrs. Vera Boyd and Mr. Steven Boyd for an audit of Lawton Cablevision and take appropriate action. Mr. Vincent, would you speak to this please.

Vincent: Yes sir. This item was tabled from the 27th meeting I believe, at our request because we requested additional information from Cablevision concerning their finances for the last ten years. The information we requested was received and provided to the Assistant City Manager and I understand that's provided to the Council and I understand Mr. Boyd got a copy of it also.

Mayor: Any questions of Mr. Vincent? Council?

Shanklin: I move that we deny the request for a full audit of Lawton Cablevision.

Purcell: Second.

Mayor: I've got a motion on the floor and also a second for denial. Discussion? Brenda please.

Clerk: Smith.

Smith: Yes.

(Boyd spoke from audience, comment was inaudible)

Mayor: Excuse me, back up, we do have a motion and also a second on this. I will open it up to public participation at this time. Anyone who would like to speak to this right here, come forward, state your name, your address and your concern please.

Boyd: Steven Boyd with Top Catt TV Productions at 605 B Avenue, Suite 3, in the heart of Lawton, Oklahoma. I'd like to speak on this matter, you know, in conjunction with this previous issue I tried to talk, I hope I don't get suppressed this time. I have some statements to make and exhibits I'd like to illustrate.

Mayor: You have five minutes sir. (people talking at once)

Shanklin: ...it's not a public hearing. This is not a public hearing.

Boyd: You talked about chimes for 15 minutes.

Mayor: Sir, do you want to spend your five minutes arguing?

Boyd: No sir.

Mayor: Well take off.

Shanklin: Get you a lawyer and ...

Boyd: The Army was very instrumental in desegregation and freedom of speech. I don't see how you can sit up there and stomach this, this is incredibly bad. All right. Here are my exhibits that's forced to read through them as it's some kind of rapid race. Exhibit number one, this is an exhibit that comes from being signed by our Mayor, Cecil Powell, the City Clerk, Mr. Bill Drewry and John Vincent our City Attorney. Now I don't have time to say all these things in the way that gives you the whole picture so I'll do the best I can being rushed like nobody else, like a second class citizen. Please find enclosed the audit information that was supposed to be supplied, supposedly there's supposed to be a service charge, a category for service charge, basic expanded and premium channels, pay for view, and late payment charges, revenue for advertisement and revenue for paid broadcast programming and access programming, a channel two set up fee.

Please go to the next, note this, this is one of the reasons why I want a investigation or audit. If you'll look at this franchise fee, if I ask anybody up there, including the City Attorney, where is that fee calculated from. Does anybody up there know where that fee is calculated from? Nobody will answer. Let's move on. I'll tell you where. Hold it, leave that up there. That thing, that is calculated from franchise fee, if you total the basic, expanded and in-home service, if you add that up, you're going to get twenty-seven thirty-one, and that is the fee that people pay that includes that one dollar fifty-two franchise fee. But the fact of the matter is when you take 5% of all those numbers together, they come out to be \$1.36. Where does the other remaining fee come from? If you'll take that \$30.31, that's after a late fee, the Lawton Cablevision is charging people for late fee (recorder went to tape two) put on us but nobody else.

This right here is from Lawton Cablevision. It's an installation diagram, some of the numbers have been blurred but if you'll look over there in the far bottom corner, it says payment due, in the right hand corner, yes, over to the left, I'm sorry, right there, payment due on the first month. It shows you there's a franchise fee for what a person's going to pay for on their monthly cable bill. If you move over to the left, no, move over to the other side, this is a installation; it shows it's a separate charge from the actual service that you'll get. That bill there which I have a copy of it to give to the Mayor it says that they charge \$22.77. It does not show that they gave 5% of that to the community of Lawton.

Let's move on to the next item in question since we're being rushed and the City of Lawton has millions of dollars to gain by this presentation. It baffles me that they don't want to talk about it. This next area of concern goes into the lease access rate card. If you'll look over there in the corner there is something, there's items \$51, \$11, these are what can be charged if a programmer leases out a channel. You'll see over in the corner a \$5 and \$50, \$5.50. Now, if we go to the next exhibit, I'm going to show you what actually was charged to me and I'm thinking this is grand larceny. This is the bill that shows he charged me \$100. If you subtract \$5.50 from \$100, where's the rest of the money go? Does anybody up here know or does anybody care?

Let's move to the next exhibit. This is leased access programming. I'm going to show you an example where he charged for public access. Well here it is, this is the open books act. It says the City shall have the right to audit in ten days written notice of financial records to recompute any amounts that are payable under this section of the franchise. I will also submit to you that this is also covered by our ordinance 10-11. I don't understand why I'm up here trying to investigate these things and everybody up here, most of the City Council, I would take that back, retract that, most of the City Council look like I'm the evil guy and I'm just delivering a message.

Please go to the next exhibit please.

Mayor: You have one minute sir.

Boyd: I have more information to show you the corruption but if you're going to put that on there with this restraint. Here is the report from the, from the auditor who does the auditing, the annual audits on the, for Lawton Cablevision. This guy has put a disclaimer on there said in effect, and I've talked to him on the phone, he says that like Lawton Cablevision just puts some documents in front of him and told him to take 5% of that and verify that. I don't think that's any way to be accountable for 5% of all your gross revenues that you're supposed to give.

Because of time I'll go to the last exhibit. Now I don't understand why I'm being rushed when all this money is being laundered somewhere. Franchise fee. The franchisee shall pay the City of Lawton annual franchise of 5% of all its gross revenues, and here all we're showing, it also says that the franchisee shall file a complete and accurate verified statement of all gross revenues for the provisions of this act.

Mayor: Your time is up. (The remainder of Boyd's comments were inaudible.) Is there anyone else that would like to speak to this issue? Mr. Baxter please.

Baxter: I'd like to say something to Mr. Boyd.

Mayor: Just let me close the public hearing. At this time I have closed the public hearing. Mr. Baxter.

Baxter: I don't know you and I'm the new guy up here. That does, I am a little bit concerned that you showed \$1.52 when you actually say it's \$1.36, that does concern me. (Boyd's comments from the audience were inaudible) What I want to say to you is this is not the proper forum for you to do that in. You need to hire you an attorney (Boyd's comments from the audience were inaudible) Can I finish please? You need to hire you an attorney. You need to file a suit against Lawton Cablevision, Mr. Drewry, whoever it is you're wanting to. If you can get a judge to say that he's guilty then I think you have the right to come back to this forum and we will do something as a Council. (Boyd's comments from the audience were inaudible)

Mayor: Do we have anyone else that would like to speak to this issue?

Shanklin: The motion's on the floor.

Mayor: We do have a motion on the floor and also a second. Brenda please. Let me remind you of the motion, it is for denial. We do have a motion. We do have a second. Brenda please.

ROLL CALL: AYE: Smith, Hanna, Devine, Purcell, Shanklin. NAY: Baxter. ABSTAIN: Moeller, Haywood. MOTION

CARRIED.

Mayor: We have five yes votes, we have two abstentions and we have one no vote. Is that right Mr. City Attorney?

Vincent: Yes sir, that's the way I counted it.

Mayor: OK. (end verbatim portion)

CONSENT AGENDA:

11. Consider the following damage claim recommended for denial: Michelle Echler. Exhibits: Legal Opinion/Recommendation. Action: Denial of claim.

12. Consider a resolution authorizing the installation of traffic control devices at specified locations. Exhibits: Resolution 00-74; Excerpt from 6/15/00 draft Traffic Commission Minutes.

(Title) Resolution 00-74

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Locations to install: Deaf Child Area signs along 400 block of NW 5th St.; No Outlet signs at NW Woodland Drive and Parkwood Place and NW Woodland Drive and Parkwood Lane; No Parking/Loading Only signs at 511 SW A Avenue; Stop signs on SW H Avenue at 24th St.; Stop signs on SW J Avenue at 15th Street. (4-way stop at Columbia and Compass added as shown below)

ITEM 13 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

14. Consider adopting a street light resolution to authorize installation of additional street lights. Exhibits: Street Light Resolution 413. Action: Approval of item.

15. Consider approving a contract between the Comanche Tribe of Oklahoma and the City of Lawton and authorize the Mayor and City Clerk to execute the document. Exhibits: Contract. Action: Approval of item. (fire and emergency medical services to 402 SW I-44)

16. Consider ratifying the actions of the Lawton Water Authority approving a Cooperative Agreement between the Comanche Tribe of Oklahoma and the City of Lawton and authorize the Mayor and City Clerk to execute the document. Exhibits: None. Action: Approval of item. (water and sewer service to 402 SW I-44)

17. Consider approving the construction plat for Bridwell Commercial Development. Exhibits: Plat Map. Action: Approval of construction plat subject to: 1) Construction of a full street on the eastern edge of the plat. The developer shall either obtain the necessary easement from the abutting property owner to construct the full street on the joint access point or modify the construction plat moving the street to the west, modify the median opening on Lee Boulevard and construct the street entirely upon the Bridwell property. 2) Approval of the Oklahoma Department of Environmental Quality of the water and sewer improvements. 3) Modification of concrete drainage ditch detail on sheet 9 to include a keyed joint if not poured monolithically.

18. Consider accepting the improvements, easements, and maintenance bond for a water main located on SE Interstate Drive. Exhibits: Location Map. (Easements, Maintenance Bonds on file) Action: Accept the water main, two utility easements, and maintenance bond in the amount of \$2,497.35.

19. Consider accepting a utility easement for an existing sewer line on a tract located at 201 SE Interstate Drive. Exhibits: Location Map. Action: Accept the utility easement for the existing sewer line.

20. Consider approving plans and specifications for the Wisconsin and New York Avenues Waterline Replacement Project 2000-30 and authorizing staff to advertise for bids. Exhibits: Map. Action: Approval of item.

21. Consider approving plans and specifications for the Veterans Administration Sanitary Sewer Relocation Project 00-3 SSES and authorizing staff to advertise for bids. Exhibits: Map. Action: Approval of item.

22. Consider acknowledging receipt of permit from the Oklahoma State Department of Environmental Quality for the construction of waterlines with appurtenances to serve Barry's Chicken Ranch. Exhibits: None. (Permits on file) Action: Approval of item.

23. Consider authorizing the Mayor to sign Member and Electric Service Agreements for various electrical services at the landfill. Exhibits: Location Map. (Agreements on file) Action: Approval of item. Agreement is with Cotton Electric Cooperative, Inc.

24. Consider approving a Release of Mortgage on residential property belonging to Carolyn Mathews of 423 NW 53rd Street, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. (Mortgage and Release on file) Action: Approval of item.

25. Consider approving a Release of Mortgage on residential property belonging to Mr. Michael D. Pierce & Ms. Deborah K. Pierce of 1004 SW "H" Avenue, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. (Mortgage and Release on file) Action: Approval of item.

26. Consider approving a Release of Mortgage on residential property belonging to Ms. Susan Holeman at 2405 SW "D" Avenue, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. (Mortgage and Release on file) Action: Approval of item.

27. Consider entering into an operating agreement between the City of Lawton and ZOE N.E.E.D. Program, a local Community Housing Development Organization (CHDO) to provide ZOE N.E.E.D. Program, Inc. with \$50,000 pre-development dollars from HOME funds to be used to facilitate preparations of lots to begin construction in Lawton View. Exhibits: Agreement. Action: Approval of item.

ITEM 28 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

29. Consider approving a Cooperation Agreement with Housing Authority of City of Lawton to provide funding from the CDBG Program to reimburse the Authority for costs incurred arising from the Authority's offering of Housing Counseling Services for Low-Moderate Income families of Lawton. Exhibits: None. (Agreement on file) Action: Approval of item.

30. Consider approving a Cooperation Agreement with Housing Authority of the City of Lawton to provide Housing Counseling Services for Low-Moderate Income families of Lawton. Exhibits: None. (Agreement on file) Action: Approval of item.

31. Consider approving the following contract extensions: A) Machine Shop and Welding Services with Lawton Machine Welding Works, Inc.; B) Accidental Death Insurance with AON Consulting, Inc.; C) Photography Services with One Hour Motor Photo; D) Water Clarification Chemicals with Gulbrandsen Technologies, Inc. and Nalco Chemical Company f/k/a Calgon Corporation. Exhibits: None. Action: Approval of item.

32. Consider awarding contract for First Aid Supplies, Equipment and Service. Exhibits: Department Recommendation; Bid Abstract. Action: Award contract to Life & Safety Services, Inc.

33. Consider awarding contract for Traffic Signal Parts and Equipment. Exhibits: Department Recommendation; Bid Abstract. Action: Award contract to Traffic Parts, Inc. and Pelco Products, Inc.

34. Consider awarding contract for Coagulant Aid Clay. Exhibits: Department Recommendation; Bid Abstract. Action: Award contract to Southwest Chemical Services, Inc.

35. Consider rejecting bid for Root Killer. Exhibits: Recommendation; Abstract. Action: Reject all bids.

36. Consider approval of appointments to City boards. Exhibits: Memorandum. Library Board: Isabell Gardner, Term: 5/31/00 to 5/31/02; Sally Cote, Term: 7/11/00 to 5/31/02

37. Consider approval of Payroll for the period of June 26 through July 9, 2000. Exhibits: None.

Separate consideration was requested for Items 13 and 28.

MOVED by Shanklin, SECOND by Smith, for approval of the Consent Agenda items as recommended with the exception of Items 13 and 28. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

13. Consider requests for the installation of traffic control devices at specified locations. Exhibits: Excerpt from 6/15/00 draft Traffic Commission Minutes.

Baxter said there was a request for a four-way stop at NW Columbia and Compass and the Traffic Commission recommended denial. He asked that Council consider approving that request; the Commission did not have any traffic counts as to the number of cars that go through that intersection, and indicated a willingness to take those counts in the future. Baxter said he and his relatives live in this neighborhood and he did not need the Commission to tell him there is a lot of traffic at that intersection; it is very dangerous heading east on Columbia when you stop at the Stop Sign and look to the north up Compass because of a big curve in the road and because people do not abide by the speed limit. He said the possibility exists for a car to come around the curve too fast, broad side another car and kill someone.

MOVED by Baxter, SECOND by Moeller, to put a four-way stop at the intersection of NW Columbia and Compass.

Shanklin asked if Baker proposed this item and if he attended the meeting to try to sell it. Baker said it was another Bill Baker, it was not his request.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION

CARRIED.

MOVED by Purcell, SECOND by Smith, to deny the remaining requests. AYE: Purcell, Shanklin, Moeller, Haywood, Smith, Hanna, Devine. NAY: Baxter. MOTION CARRIED.

Action: Denial of requests for signs at: NW Ash between 53rd and 63rd, 2200 block of NW 23rd, NW Floyd between 18th and 19th and 2100 block of NW Arlington for "Children at Play" signs; Stop sign on NW Baltimore at 44th St.

28. Consider approving Cooperation Agreements to provide services for Low-Moderate Income families/individuals with the following organizations: Great Plains Improvement Foundation - MEDTRANS; HOSPICE of Lawton; Christian Family Counseling; Wichita Mountains Prevention Network for Teenage Pregnancy (formerly called NOT YET); Wichita Mountains Prevention Network Peer Training; Northside Chamber of Commerce; Zoe N.E.E.D. Program, Inc. Youth With Purpose; Zoe N.E.E.D. Program, Inc. Economic Development Adult Placement. Exhibits: None. (Contracts on file)

Vincent said a number of contracts are listed and all have been formalized and signed except or the Great Plains Improvement MedTrans contract and we are having a small problem getting that finalized. He requested that all of the other contracts be approved and that the Great Plains Improvement MedTrans contract be tabled.

MOVED by Shanklin, SECOND by Smith, to approve all of the listed contracts with the exception of Great Plains Improvement MedTrans which is to be tabled. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Purcell said he appreciated the Mayor signing the letter to Bob Rose, ODOT, about getting a traffic light on Flower Mound at SH-7, and almost immediately after that, there was a severe accident. He said requests have been sent in for over a year and a half and that he planned to call the Secretary of Transportation tomorrow to see if this can be done sooner because we do not need any more serious accidents.

Hanna said there is a bureaucracy in getting street lights installed and it took six months to get one put up in a neighborhood that should have taken a couple of weeks. He said they were going to try to set aside five to be in reserve at all times so if one is needed, it would be on hand to prevent a long wait. Shanklin asked why the six month delay and Hanna said it was due to Public Service. Shanklin said we should have asked them about it.

Shanklin asked if we would get the baseball diamonds taken care of or if we would let them struggle on like they have been. Baker said he would speak with Mr. Salva about it. Shanklin asked if games are still being played. Baker said yes and perhaps we need to give that some higher priority; our intent is to maintain the fields in a first class condition. He said we have had a lot of other projects on-going and the fields have not been as good as in the past so we will be giving that some attention. Shanklin said the direction was given three years ago. Hanna said during the budget, the Mayor asked the question to Salva and the response was he could pull from some place else but when you do that you hurt something else, and something needs to be done to bring the fields back into condition. Devine asked if more of a load was added to that department by asking them to take care of all of the flowers. Mayor Powell said it was his understanding that the director requested that those two come together. Baker said in this year's budget, the field maintenance and landscaping were combined into one activity to allow flexibility with the one caution that we did not want to pull people off of the ballfields to use them somewhere else and sacrifice the quality of our fields to other work. He said the department has been very busy due to the rains, has been trying to catch up and that he would speak with Salva.

Haywood said on August 3-6 there would be a Lawton Douglas Alumni Association school reunion from 1923 to 1966, and everyone is invited.

Baker said he put out a memo to remind Council of a very important meeting on air quality on July 20 at 1:30 p.m. at Room 301, Great Plains Technology Center. The meeting may be more important than the original invitation indicated as we are getting very close to being in non-attainment; if a reading of .088 is found any time this summer then we will be in a non-attainment status which has serious consequences to the City. Shanklin asked what the consequences are, and that you can see the smog in large cities but Lawton is no where close to that yet seems to be receiving a punishment. Baker said federal highway funds could be in jeopardy, or you would be required to do additional environmental items such as service stations dispensing fuel could have additional requirements.

Baker said he sent one letter to ASCOG, which coordinates the public information program for Lawton, and perhaps the City should do some things in addition to that. He said he would like to send another letter to ASCOG under the Mayor's signature, unless there are objections. Mayor Powell said ASCOG did a beautiful job last year of notifying the media, and the media did an excellent job, but we dropped the ball somewhere, so he supported the letter.

Smith said the alerts urge carpooling and asked if LTC Puckett would find out if Fort Sill made any provisions when such alerts were issued. LTC Puckett said there would be two aspects, such as the folks coming in to work and maybe having high occupant vehicle policies, and the maneuver side with the equipment. He said he would look into it thoroughly.

Hanna said some people from Fort Sill went to athletic events in Kansas City a couple of weeks ago and came in with first and second place trophies. He said they have been invited to go to Orlando, Florida, to a world series. LTC Puckett said

their attendance would not be a problem.

Devine said he read an article in the paper about Albert Johnson, Jr. winning a golf tournament, and he commended that accomplishment. Mayor Powell agreed and stated it was a very prestigious tournament.

Mayor Powell said notice had been received from the Govern's Office that Lawton had the most volunteers of any city in the Trash Off Event held a few weeks back, and we will be recognized in Oklahoma City on July 25 in this regard. He said on Monday, July 17 at 10 a.m. there will be an announcement and ground breaking ceremony near 67th and Gore Boulevard for a new firm that will be locating in Lawton.

BUSINESS ITEMS:

38. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

39. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the cases styled City of Lawton v. IUPA, Local 24, and Damion Sean Hart, Case No. CJ-99-1081, filed in the District Court of Comanche County, and if necessary, take appropriate action in open session. Exhibits: None.

40. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled C. Steve Wilson v. The City of Lawton, a municipal corporation, and Gilbert Schumpert, Case No. CIV-99-2104, in the United States District Court, Western District of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

41. Pursuant to Section 307B3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the acquisition of property in the vicinity of Greer Park on 38th Street, and if necessary, take appropriate action in open session. Exhibits: None.

MOVED by Baxter, SECOND by Smith, to convene in executive session to consider the items shown on the agenda and recommended by the legal staff. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:50 p.m. and reconvened in regular, open session at approximately 9:10 p.m. with roll call reflecting all members present.

On Item 38, Vincent reported that the Council entered into executive session pursuant to Section 307B2, Title 25, Oklahoma Statutes, to discuss the on-going negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton. No action is required at this time.

On Item 39, Vincent reported that pursuant to Section 307B4, Title 25, Oklahoma Statutes, Council entered into executive session to discuss City of Lawton v. IUPA, Local 24, and Damion Sean Hart, Case No. CJ-99-1081. He requested a motion authorizing the City Attorney's Office to file an appeal in the appropriate appellate courts.

MOVED by Smith, SECOND by Purcell, to authorize the City Attorney's Office to file an appeal in the appropriate appellate courts. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Haywood. NAY: None. ABSTAIN: Moeller. MOTION CARRIED.

On Item 40, Vincent reported that pursuant to Section 307B4, Title 25, Oklahoma Statutes, the Council entered into executive session in the case C. Steve Wilson v. The City of Lawton, a municipal corporation, and Gilbert Schumpert, Case No. CIV-99-2104, in the United States District Court. No action is required at this time.

On Item 41, Vincent reported that pursuant to Section 307B3, Title 25, Oklahoma Statutes, the Council entered into executive session to discuss the acquisition of property in the vicinity of Greer Park. No action is required at this time.

There being no further business to consider, the meeting adjourned at 9:15 p.m. upon motion, second and roll call vote.